



DEVELOPMENT CONTROL COMMITTEE: –

19 February 2008

REPORT OF THE INTERIM HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

CONFIRMATION OF TREE PRESERVATION ORDER 39 OF 2007 ON LAND AT BLACKWOOD SCHOOL, BLACKWOOD ROAD, SUTTON COLDFIELD, B74 3PH.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 39 of 2007.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 39 of 2007 in unmodified form. A plan showing the Tree Preservation Order is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in the report detail, paragraph 1.1.
- (iii) Note that one representation has been received in respect of this Tree Preservation Order.

3. FINANCIAL IMPLICATIONS

Within budget, in general, new Tree Preservation Orders generate additional applications for consent and increase officers' workload.

4. POLICY IMPLICATIONS

Within Council policy – YES

5. LEGAL IMPLICATIONS

The owners and future owners of this site will be required to apply for Council permission if they wish to fell or prune any tree protected by the Tree Preservation Order. Failure to do this renders anyone carrying out unauthorised works to trees liable to criminal proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

NOT APPLICABLE

7. **ENVIRONMENTAL IMPACT**

The management of Walsall's tree cover through the administration of the Tree Preservation Order system has positive implications in protecting trees for their visual and environmental benefits. Removal of protected trees is often necessary because trees have a finite lifespan and may also cause nuisance or damage. In these instances the Council has to decide whether the removal of protected trees is justified. In the event that felling a tree is permitted, the Council can secure replacement planting to maintain tree cover.

8. **WARD(S) AFFECTED**

The Tree Preservation Order 39 of 2007 is located within Streetly Ward.

9. **CONSULTEES**

Owners and near neighbours were sent copies of the Tree Preservation Order and invited to make representations to the Council in either opposition or support of this Tree Preservation Order. Any response is described within the report.

10. **CONTACT OFFICER**

Andrew Cook - Extension: 2447

11. **BACKGROUND PAPERS**

File PD1/17/807 relating to Tree Preservation Order No 39 of 2007.

Simon Tranter,
INTERIM HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

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1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 39 of 2007 was made on 31 October 2007. The trees were protected for the following reasons:

- The trees form a prominent landscape feature in the local area and will continue to provide an important item of landscape quality in the future.
- The trees add to the amenity and diversity of the immediate area.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.
- The trees are the subject of continual requests from neighbouring properties to be severely lopped and making an emergency Tree Preservation Order will discourage the inappropriate pruning of these important trees.

1.2 The minimum six week period allowed for objection to the Order expired on 12 December 2007. One response has been received from 11, Foley Wood Close objecting to the Tree Preservation Order for the following reasons;

- The trees have in the past caused structural damage to the roof tiles.
- The trees block out natural light to the home and garden.
- The danger of tree roots fouling the drainage pipes and the property foundations.
- The cost of gutter cleaning twice a year.
- The property is unable to receive satellite television due to the trees blocking the signal.

The Council's response to this objection is as follows:

- The trees have recently been pruned and are no longer causing direct damage to the roof tiles; future damage can be avoided if the tree is pruned appropriately as and when required.
- The cost of gutter cleaning should be considered as part of normal property maintenance.

- There is no evidence to implicate the trees in causing damage to drainage pipes or property foundations.
- The trees have recently been thinned to an optimum amount allowing more light onto the property; the Council does not believe that the trees cause an unacceptable loss of light to justify severe pruning or removal.
- The inability to receive a satisfactory satellite television signal is not in the opinion of the Council a good enough reason to justify the severe pruning or removal of what are two important trees.

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 39 of 2007 in unmodified form.

TPO 39 of 2007, land at Blackwood School, Sutton Coldfield, B74 3PH.

